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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,810	01/12/2004	Michael L. LaJoie	61575-1035	2981
76/944 7590 07/09/2008 RYAN, MASON & LEWIS, LLP 1300 POST ROAD SUITE 205 FAIRFIELD, CT 06824				
EXAMINER				
ZHONG, JUN FEI				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/755,810

**Applicant(s)**

LAJOIE ET AL.

**Examiner**

JUN FEI ZHONG

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 April 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 29-37 and 57-62 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-9, 29-37 and 57-62 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SI-08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This action is responsive to an Amendment filed 4/1/2008. Claims 1-9, 29-37, 57-62 are pending. Claims 1, 29 are amended. Claims 57-62 are new.

***Response to Arguments***

2. Applicant's arguments with respect to claim have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 9, 29-33, 37, 57, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over McElhatten et al. (Patent # US 7073189) in view of Hrstar et al. (Patent # US 6272150), and further in view of Menard et al. (Pub # US 2002/0177428).

As to claim 1, McElhatten discloses a system for detecting a removal of a device from a connection (e.g., device is off) thereof to a communications network, the system comprising:

an interface for receiving, from the device, signals through the communications network (e.g., processor 119 receiving heartbeat signal through network 140; Fig. 1), the signals indicating continuity of the connection, each of the signals containing information identifying the device (e.g., terminal 158-1 sends a heartbeat to headend, and the heartbeat contains MAC address of terminal 158-1) (see col. 10, lines 30-42);

a server, the server being configured such that:

responsive to receipt of a first one of the signals, the server determines whether a second one of the signals is received within a period from the receipt of the first signal (e.g., when processor 119 no longer receives heartbeat, processor 119 halted the transmission) (see col. 10, lines 30-42);

McElhatten fails to disclose generating an alert to an operator.

Hratar discloses generating an alert to an operator (e.g., using different color to indicate device's status) (see col. 21, lines 1-67);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide alerting operator as taught by Hratar to the set top terminal of McElhatten in order to provide the user of the network management station is empowered to make better decisions regarding causes and effect of anomalies in the network, as well as improving the understanding of the network for growth planning, potential failure scenarios, routine diagnostic tests, maintenance and the like (see col. 3, lines 30-40).

McElhatten and Hrastar fail to disclose an operator of the communications network to contact a user of the device if it is determined that the second signal is not received within the period.

Menard discloses an operator of the communications network to contact a user of the device if it is determined that the second signal is not received within the period (e.g., contact user when alarm received) (see paragraph 0075; Fig. 6)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have verified alarm as taught by Menard to the set top terminal of McElhatten as modified by Hrastar in order to provide an improved system that reduces the costs associated with false alarms (see paragraph 0008).

As to claim 2, McElhatten discloses the system according to claim 1, wherein the communications network includes a two-way multichannel delivery network (e.g., M transmission channels) (see col. 9, lines 30-49).

As to claim 3, McElhatten discloses the system according to claim 2, wherein the delivery network includes a cable TV network (see col. 1, lines 12-15).

As to claim 4, McElhatten discloses the system according to claim 3, wherein the cable TV network includes a hybrid fiber coaxial (HFC) cable network (see col. 5, lines 29-34).

As to claim 5, McElhatten discloses the system according to claim 3, wherein the device receives programming content from the communications network (e.g., terminal 158-1 receives program stream from headend) (see col. 10, lines 10-29).

As to claim 9, McElhatten discloses the system according to claim 1, wherein the information includes a serial number pre-assigned to the device (e.g., MAC address of terminal 158-1) (see col. 10, lines 32-35).

As to claims 29-33 and 37, they contain the limitations of claims 1-5 and 9 and are analyzed as previously discussed with respect to claims 1-5 and 9 above.

As to claim 57, McElhatten discloses the system according to Claim 1, wherein the server is further configured such that the server, upon determining that the second signal is not received within the period (e.g., when processor 119 no longer receives heartbeat, processor 119 halted the transmission) (see col. 10, lines 30-42),

Menard discloses accesses a user record associated with the user to assist the operator to contact the user (e.g., call user's telephone number on record), each of the signals containing information identifying the device (see paragraph 0075; Fig. 6).

As to claim 60, it contains the limitations of claim 60 and is analyzed as previously discussed with respect to claim 60 above.

5. Claims 6-8, 34-36, 58-59, and 61-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over McElhatten et al. (Patent # US 7073189) in view of Hrastar et al. (Patent # US 6272150), further in view of Menard et al. (Pub # US 2002/0177428), and further in view of Lu (Pub # US 2002/0157115).

As to claim 6, note the discussion above, McElhatten discloses a cable TV network system.

McElhatten, Hrastar, and Menard fail to disclose a point-of-deployment (POD) module in set top terminal.

Lu discloses a host device having an interface for coupling with a point-of-deployment (POD) module for providing conditional access to selected programming content (see paragraph 0026; Fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide POD module as taught by Lu to the set top terminal of McElhatten in order for electronic apparatuses that may be inserted into or attached to a standard consumer electronic system to thereby enable the standard consumer electronic system to perform enhanced, non-standard applications (see paragraph 0005).

As to claim 7, Lu discloses the system according to claim 6, wherein the selected programming content is selected by the system (e.g., services provider authorized program access right for user) (see paragraph 0027).

As to claim 8, McElhatten discloses the system according to claim 6, wherein the selected programming content includes video-on-demand (VOD) content (see col. 13, lines 6-28).

As to claims 34-36, they contain the limitations of claims 6-8 and are analyzed as previously discussed with respect to claims 6-8 above.

As to claim 58, McElhatten discloses the system according to Claim 6, wherein the server is further configured such that:

if it is determined that the second signal is received within the period, the server determines whether the information identifying the device, contained in the second signal, matches a host device identifier from a user record associated with the user (e.g., when processor 119 receives heartbeat from user terminal) (see col. 10, lines 30-42); and

Hrastar discloses responsive to determining that the information identifying the device, contained in the second signal, does not match the host device identifier from the user record associated with the user (e.g., using different color to indicate device's status) (see col. 21, lines 1-67),

Menard discloses the server prompts the operator to investigate a potential unauthorized host replacement (e.g., call user's telephone number on record to verify),



each of the signals containing information identifying the device (see paragraph 0075; Fig. 6).

As to claim 59, McElhatten discloses the system according to Claim 58, wherein the server is further configured such that, responsive to determining that the information identifying the device (e.g., when processor 119 receives heartbeat from user terminal) (see col. 10, lines 30-42),

Hrastar discloses contained in the second signal, does not match the host device identifier from the user record associated with the user (e.g., using different color to indicate device's status) (see col. 21, lines 1-67),

Lu discloses the server communicates with the point-of-deployment (POD) module to limit access to the network (see paragraph 0026; Fig. 1).

As to claims 61-62, they contain the limitations of claims 58-59 and are analyzed as previously discussed with respect to claims 58-59 above.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Donlan et al. (Pub # US 2004/0088734 A1) is cited to teach monitoring iTV network.

Hendricks et al. (Patent # US 7134131) is cited to teach digital broadcasting billing system.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jun Fei Zhong whose telephone number is 571-270-1708. The examiner can normally be reached on Mon-Fri, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JFZ  
7/3/2008

*/Vivek Srivastava/*  
Supervisory Patent Examiner, Art Unit 2623